

**REMARKS**

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

**I. CLAIM STATUS AND AMENDMENTS**

Claims 39-91 were pending in this application when last examined.

Claims 39, 40, 49, 50, 53, 54, 63, 65, 67, 75 and 89 stand rejected.

Claims 77-79 and 81-88 are indicated as allowed. Applicants appreciate the Office's indication of allowable subject matter.

Claims 41-48, 51, 52, 55-62, 64, 66, 68-74, 76, 80, 90, and 91 were objected as being dependent on a rejected base claim, but would be allowable if rewritten in independent form incorporating the subject matter of the independent claim and any intervening claims. Again, Applicants appreciate the Office's indication of allowable subject matter.

Claim 39 has been amended to incorporate the allowable subject matter of claims 41 and 46-48 (formulae I, II, 1 and 2) and the subject matter at page 12, line 25 to page 13, line 22 (formulae 3 and 4 which belong to the same family of the 2-3 nitrobenzyl derivatives as the products of formulae 1 and 2). Thus, it is believed that independent claim 39 has been limited to the subject matter indicated as allowable by the Office.

Specifically, amended claim 39 incorporates the allowable subject matter of claims 41 and 46-48 (which were indicated as allowable if rewritten in independent form). Since claim 39 has been amended to incorporate the allowed subject matter, claim 39, and all claims dependent thereon, should now be in condition for allowance.

New claims 92 and 93 have been added. New claim 92 is independent claim and corresponds to previous claims 39, 40 and 51. New dependent claim 93 corresponds to previous claim 52.

Other minor editorial revisions have been made to the claims to better conform to U.S. claim form. Such revisions are non-substantive and not intended to narrow the scope of protection. Such revisions include: replacing the "characterized by" language with "wherein"; revising the beginning of the claims to recite "A" or "The" and revising the claim language to provide proper antecedent basis throughout the claims; and correcting/removing the "preferably", "such as" and "for example".

No new matter has been added by the above claim amendments.

Claims 41 and 46-48 have been cancelled without prejudice or disclaimer thereto. Applicants reserve the right to file a continuation or divisional application on any cancelled subject matter.

Claims 39, 40, 42-45 and 49-93 are pending upon entry of this amendment.

### **II. INDEFINITENESS REJECTIONS**

Claims 53-54, 63, 65, 67 and 89 were rejected under 35 USC 112, second paragraph, as indefinite for the reasons in items 1-5 of the Office Action.

It is believed that the present amendment overcomes this rejection by better defining the claimed subject matter more clearly and distinctively in a non-narrowing manner.

The claims have been amended to eliminate insufficient antecedence issues. The claims are thus clear, definite and have full antecedent basis.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

### **III. PRIOR ART REJECTIONS**

Claims 39-40, 49-50, 53-54, and 75 were rejected as anticipated by or unpatentable over either patent to Crane et al., or as unpatentable over the article by Nuyken et al., or as obvious over Kuczynski et al. in view of the earlier Crane et al. patent for the reasons set forth in items 8-11 of the Office Action.

For the sole purpose of expediting prosecution and not to acquiesce to the rejections, Applicants respectfully submit

that the present amendment overcomes these rejections. It is believed that the cited prior art references, either alone or when combined, fail to disclose or suggest each and every element of the amended claims. Again, it is noted independent claim 39, as amended, incorporates the allowable subject matter of claims 41 and 46-48 (which were indicated as allowable if rewritten in independent form and which were not included in the prior art rejections). Since claim 39 has been amended to incorporate the allowed subject matter, claim 39, and all claims dependent thereon, should now be in condition for allowance. For these reasons, the above-noted anticipation and obviousness rejections are untenable and should be withdrawn.

#### **IV. CLAIM OBJECTION**

Claims 41-48, 51, 52, 55-62, 64, 66, 68-74, 76, 80, 90, and 91 were objected as being dependent on a rejected base claim, but would be allowable if rewritten in independent form incorporating the subject matter of the independent claim and any intervening claims. Again, Applicants appreciate the Office's indication of allowable subject matter.

As noted above, the claims have been amended to incorporate the allowable subject matter of claims 41 and 46-48 and to address the 112, second, paragraph indefiniteness issues. It is respectfully submitted that the above amendments and

arguments overcome the remaining rejections, thereby obviating this objection. Thus, the objection should be withdrawn.

**V. CONCLUSION**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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